

PATENT  
Attorney Docket 051538-5001-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Kevan M. SHOKAT )  
)  
Application No.: 10/044,967 ) Group Art Unit: 1651  
)  
Filed: January 15, 2002 ) Examiner: J. Weber, Ph.D.  
)  
For: HIGH AFFINITY INHIBITORS FOR TARGET )  
VALIDATION AND USES THEREOF )

Commissioner for Patents  
U.S. Patent and Trademark office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**PETITION UNDER 37 CFR § 1.59(b)**

This is a Petition under 37 CFR § 1.59(b) respectfully requesting expungement and return of an unrelated document inadvertently filed in the above-referenced application ("the document"). As identified by the Examiner in the Office Action dated November 3, 2003, the document is a confidential communication to Allen Hakimi from Bonnie McLeod and Erich Veitenheimer, dated May 23, 2002. Although the Office Action states that the document is part of the papers dated January 15, 2002, the document was unintentionally submitted on May 29, 2002, with the properly filed preliminary amendment, substitute specification, and request to amend the figures. The document is found on pages 245-248 of the paper submitted on May 29, 2002 and labeled as "Preliminary Amendment."

The document does not contain information that is material under 37 CFR 1.156. As indicated by the Examiner in the Office Action dated November 3, 2003, the document does not belong to the instant application.

07/28/2004 JBALINAN 00000080 500310 10044967

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1-WA/2156110.1

Expungement and return of this document is respectfully requested.

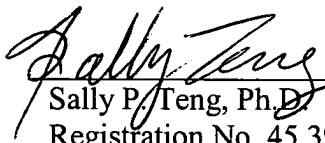
In the event that the application has been electronically scanned and the document cannot be removed from the application, we request that the document be closed to access by the general public. In accordance to MPEP 724.05 (II) (B), it is stated that failure to return the document from the application would cause irreparable harm to the party in interest on whose behalf the information was submitted.

The \$130.00 petition fee required by 37 C.F.R. § 1.17(h) may be charged to Deposit Account No. 50-0310. If there are any additional fees due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

Date: July 27, 2004  
Morgan Lewis & Bockius LLP  
Customer No. **09629**  
1111 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Tel. No.: 202-739-3000  
SPT:mk

By:



Sally P. Teng, Ph.D.  
Registration No. 45,397  
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PATENT  
ATTORNEY DOCKET NO.: 051538-5001-01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION of:

Kevan M. **SHOKAT**

Application No.: 10/044,967

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FOR: HIGH INFINITY INHIBITORS FOR  
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Sir:

**FEE TRANSMITTAL FORM**

1. Transmitted herewith is a Petition Under 37 C.F.R. § 1.59(b).

2. Additional papers enclosed:

- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, copies of \_\_\_ references
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Drawings: ☐ Formal ☐ Informal (Correction)

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$740.00
<input type="checkbox"/> five months	\$2,010.00	\$1,005.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension of time fee due with this request: \$0.00

4. Petition Fee: \$130

5. Constructive Petition

☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

6. Fee Calculation (37 C.F.R. §1.16) (SMALL ENTITY)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	29	minus	29	0	x \$18/\$9 each=	\$ 0.00
Independent Claims (37 C.F.R. §1.16(b))	3	minus	4	0	x \$86/\$43 each=	\$ 0.00
First presentation of Multiple dependent claim(s): previously paid					\$290/\$145	\$ 0.00
SUB-TOTAL =						\$ 0.00
Petition Fee						\$ 130.00
(SMALL ENTITY) TOTAL FEE =						\$ 130.00

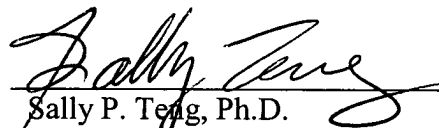
7. Fee Payment

- ☒ The Commissioner is hereby authorized to charge \$130.00 to Deposit Account No. 50-0310 for Petition Fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully Submitted,  
**Morgan Lewis & Bockius LLP**

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